UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/842,561	CHERI ET AL.
	Examiner	Art Unit	
	Antonio A. Caschera	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 September 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>18-37</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>18-37</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 September 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 18-20, 22-25, 27-31, 33, 34 and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kraft et al. (U.S. Patent 6,463,278 B2) in view of Helms (U.S. Patent

5,952,992).

In reference to claim 18, Kraft et al. discloses telephone automatic mode selection

method for implementation in a phone, connectable to both cellular and cordless networks), the

phone comprising a normal user interface including a display and keypad (see column 4, lines

58-67 and column 5, lines 1-2). Note, the Office interprets the phone of Kraft et al. functionally

equivalent to a "handheld computer" as Kraft et al. further discloses the phone comprising a CPU

(see column 4, lines 58-63). Also, the phone of Kraft et al. is interpreted as inherently

comprising, "a housing configured to be held in hand during use" since it is a telephone and

further inherently comprises a front surface of the housing which supports the phone display,

disclosed by Kraft et al. (see column 5, lines 1-2). One of ordinary skill in the art would surely

agree with such interpretations made by the Office since telephones are widely utilized and

available incorporating such limitations. Kraft et al. further discloses the CPU and coupled

circuitry to handle cellular telephone specific functions (see column 5, lines 26-43) and therefore

the Office interprets Kraft et al. to disclose the phone as comprising cellar telephone electronics.

Kraft et al. also discloses the phone to use control parameters to operate a timer function for

enabling a calendar function for entering of appointment data (see column 2, lines 15-21 and

column 4, lines 35-57). Note, the Office interprets the CPU (computing electronics) to handle

such calendar or PIM data functions since Kraft et al. discloses the CPU to handle the phone

modes (see column 6, lines 7-24). Kraft et al. discloses the phone to further comprise of a light

detector for detecting light conditions around the phone which are interpreted as being received

by the computing electronics (i.e. CPU and coupled circuitry of the phone) (see column 5, lines

44-52). Although Kraft et al. discloses a single light detector, Kraft et al. does not explicitly

disclose utilizing a plurality of light detectors. Helms discloses a method and apparatus for

automatically adjusting the brightness of an LCD based upon ambient lighting conditions of the

environment in which a laptop (handheld) computer is used (see column 2, lines 3-6, 8-18 and

Figure 1). Helms discloses computing a weighted average of measured signals obtained by

photodetectors (one on the front surface and another on the back surface of the display lid, see

Figure 4) and using the computed average to index a lookup table (see columns 4-5, lines 66-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made

to implement the automatic brightness controlling techniques of Helms with the phone system of

Kraft et al. in order to provide the computing electronics with a better representation of ambient

light levels directed towards the device by supplying the electronics with multiple samples

derived from the multiple sensors, thus the multiple samples providing more light detection at or

around the device than using only one reading from one sensor. Such is particularly useful in

situations in which light is directed towards the back of the LCD, hence toward the user's eyes,

which light, while affecting the visibility of the LCD, might not be detected by the first

photodetector (see column 2, lines 32-36 of Helms).

In reference to claims 19, 20 and 30, Kraft et al. and Helms disclose all of the claim

limitations as applied to claims 18 and 29 above in addition, Helms discloses utilizing signals

from one or both of the photodetectors located on the front and back surface of the display lid, to

adjust the brightness level of the LCD (see columns 4-5, lines 52-2). It would have been obvious

to one of ordinary skill in the art at the time the invention was made to implement the automatic

brightness controlling techniques of Helms with the phone system of Kraft et al. in order to

provide the computing electronics with a better representation of ambient light levels directed

towards the device by supplying the electronics with multiple samples derived from the multiple

sensors, thus the multiple samples providing more light detection at or around the device than

using only one reading from one sensor. Such is particularly useful in situations in which light is

directed towards the back of the LCD, hence toward the user's eyes, which light, while affecting

the visibility of the LCD, might not be detected by the first photodetector (see column 2, lines

32-36 of Helms).

In reference to claim 22, Kraft et al. and Helms disclose all of the claim limitations as

applied to claim 18 above. Kraft et al. explicitly discloses the phone to use control parameters to

operate a timer function for enabling a calendar function for entering of appointment data (see

column 2, lines 15-21 and column 4, lines 35-57). Note, the Office interprets the CPU

(computing electronics) to handle such calendar or PIM data functions since Kraft et al. discloses

the CPU to handle the phone modes (see column 6, lines 7-24). Further, the Office interprets the

"contact" limitation of Applicant's claim to inherently be comprised with the phone device and

user interface disclosed by Kraft et al. since such feature, having a list of saved dialed phone

numbers is inherent to telephone devices. Lastly, Helms discloses a performing the brightness

processing techniques upon a laptop which is seen to inherently comprise of contact and calendar

applications. (see *Response to Arguments* below)

In reference to claim 23, Kraft et al. and Helms disclose all of the claim limitations as

applied to claim 22 above. Helms discloses performing the brightness processing techniques

upon a laptop which is seen to inherently comprise of such word processing, spreadsheets and

calculator applications.

In reference to claims 24, 33 and 34, Kraft et al. and Helms disclose all of the claim

limitations as applied to claims 18 and 29. Helms discloses a method and apparatus for

automatically adjusting the brightness of an LCD based upon ambient lighting conditions of the

environment in which a laptop (handheld) computer is used (see column 2, lines 3-6, 8-18 and

Figure 1). Helms discloses computing a weighted average of measured signals obtained by

photodetectors (one on the front surface and another on the back surface of the display lid, see

Figure 4) and using the computed average to index a lookup table (see columns 4-5, lines 66-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made

to implement the automatic brightness controlling techniques of Helms with the phone system of

Kraft et al. in order to provide the computing electronics with a better representation of ambient

light levels directed towards the device by supplying the electronics with multiple samples

derived from the multiple sensors, thus the multiple samples providing more light detection at or

around the device than using only one reading from one sensor. Such is particularly useful in

situations in which light is directed towards the back of the LCD, hence toward the user's eyes,

which light, while affecting the visibility of the LCD, might not be detected by the first

photodetector (see column 2, lines 32-36 of Helms).

In reference to claim 25, Kraft et al. and Helms disclose all of the claim limitations as

applied to claim 18 above. The Office interprets that the phone device as disclosed by Kraft et

al. inherently comprises input buttons, as a keypad (see column 5, lines 1-2), below the display in

fixed positions relative to the display.

In reference to claim 27, Kraft et al. and Helms disclose all of the claim limitations as

applied to claim 18 above. Although Helms does disclose performing the brightness processing

techniques upon a laptop, neither Kraft et al. nor Helms explicitly disclose the handheld

computer configured to comprise of a touch screen display however, at the time the invention

was made, it would have been obvious to one of ordinary skill in the art to the implement a

multitude of different types of displays (i.e. LCD of various pixel sizes, TFT, character matrix

LCD etc.) in the phone device of Kraft et al.. Applicant has not disclosed that specifically

providing such explicit type of display, touch screen display, provides an advantage, is used for a

particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore,

would have expected Applicant's invention to perform equally well with the display included in

the phone device of Kraft et al. or LCD of Helms, because the exact type of display included in a

phone/laptop device is seen as a matter decided upon by the inventor and to which best suits the

application at hand. Furthermore, the Office sees such a limitation as providing no immediate

criticality to the invention at hand since the real scope of the invention is seemed to be directed

to use of light sensors on a handheld device to adjust brightness/other parameters of the device

and because the implementation of a touch screen display in a phone/laptop device would not

affect the operation, as per the scope of the claims, of the device as a whole in view of the

sensing of light via such light sensors. Therefore, it would have been obvious to one of ordinary

skill in this art to modify the combination of Kraft et al. and Helms to obtain the invention as

specified in claim 27.

In reference to claims 28 and 31, Kraft et al. and Helms disclose all of the claim

limitations as applied to claims 18 and 30 respectively above. Helms discloses computing a

weighted average of measured signals obtained by photodetectors (one on the front surface and

another on the back surface of the display lid, see Figure 4) and using the computed average to

index a lookup table (see columns 4-5, lines 66-2). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to implement the automatic brightness

controlling techniques of Helms with the phone system of Kraft et al. in order to provide the

computing electronics with a better representation of ambient light levels directed towards the

device by supplying the electronics with multiple samples derived from the multiple sensors,

thus the multiple samples providing more light detection at or around the device than using only

one reading from one sensor. Such is particularly useful in situations in which light is directed

towards the back of the LCD, hence toward the user's eyes, which light, while affecting the

visibility of the LCD, might not be detected by the first photodetector (see column 2, lines 32-36

of Helms).

In reference to claims 29 and 36, Kraft et al. discloses telephone automatic mode

selection method for implementation in a phone, connectable to both cellular and cordless

networks), the phone comprising a normal user interface including a display and keypad (see

column 4, lines 58-67 and column 5, lines 1-2). Note, the Office interprets the phone of Kraft et

al. functionally equivalent to a "handheld computer" as Kraft et al. further discloses the phone

comprising a CPU (see column 4, lines 58-63). Also, the phone of Kraft et al. is interpreted as

inherently comprising, "a housing configured to be held in hand during use" since it is a

telephone and further inherently comprises a front surface of the housing which supports the

phone display, disclosed by Kraft et al. (see column 5, lines 1-2). One of ordinary skill in the art

would surely agree with such interpretations made by the Office since telephones are widely

utilized and available incorporating such limitations. Kraft et al. further discloses the CPU and

coupled circuitry to handle cellular telephone specific functions (see column 5, lines 26-43) and

therefore the Office interprets Kraft et al. to disclose the phone as comprising cellar telephone

electronics. Kraft et al. also discloses the phone to use control parameters to operate a timer

function for enabling a calendar function for entering of appointment data (see column 2, lines

15-21 and column 4, lines 35-57). Note, the Office interprets the CPU (computing electronics)

to handle such calendar or PIM data functions since Kraft et al. discloses the CPU to handle the

phone modes (see column 6, lines 7-24) such phone modes including setting call divert services,

light, sound volume, call alert and ringing volumes (see column 2, lines 57-60 and Table1) which

the Office further interprets equivalent to the "other applications" limitation of the claims since

such modes must be executed and parameters selected and applied thereto via user operation.

Further, the Office interprets the "contact" limitation of Applicant's claim to inherently be

comprised with the phone device and user interface disclosed by Kraft et al. since such feature,

having a list of saved dialed phone numbers is inherent to telephone devices. Kraft et al.

discloses the phone to further comprise of a light detector for detecting light conditions around

the phone which are interpreted as being received by the computing electronics (i.e. CPU and

coupled circuitry of the phone) (see column 5, lines 44-52). Although Kraft et al. discloses a single light detector, Kraft et al. does not explicitly disclose the light detector adjusting a characteristic of the handheld device. Helms discloses a method and apparatus for automatically adjusting the brightness of an LCD based upon ambient lighting conditions of the environment in which a laptop (handheld) computer is used (see column 2, lines 3-6, 8-18 and Figure 1). Helms discloses computing a weighted average of measured signals obtained by photodetectors (one on the front surface and another on the back surface of the display lid, see Figure 4) and using the computed average to index a lookup table (see columns 4-5, lines 66-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the automatic brightness controlling techniques of Helms with the phone system of Kraft et al. in order to provide the computing electronics with a better representation of ambient light levels directed towards the device by supplying the electronics with multiple samples derived from the multiple sensors, thus the multiple samples providing more light detection at or around the device than using only one reading from one sensor. Such is particularly useful in situations in which light is directed towards the back of the LCD, hence toward the user's eyes, which light, while affecting the visibility of the LCD, might not be detected by the first photodetector (see column 2, lines 32-36 of Helms).

2.   Claims 21, 26, 32, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft et al. (U.S. Patent 6,463,278 B2), Helms (U.S. Patent 5,952,992) and further in view of Dutta (U.S. Pub 2002/0163524).

In reference to claims 21 and 32, Kraft et al. and Helms disclose all of the claim limitations as applied to claims 19 and 29 respectively above. Although Helms discloses

utilizing signals from one or both of the photodetectors located on the front and back surface of

the display lid, to adjust the brightness level of the LCD (see columns 4-5, lines 52-2), neither

Kraft et al. nor Helms explicitly disclose adjusting <u>one other characteristic</u> of the handheld

computer based on the signals from at least one light sensor. Dutta discloses a PDA comprising

a housing (see large rectangle of Figure 1) and a display, having a front surface, supported by the

housing (#101 of Figure 1). Dutta also discloses hardware components located within the PDA,

and thus supported by the housing, utilized to communicate with the display (see page 2,

paragraph 24 and Figure 2). Dutta discloses the hardware components configured to adjust both

backlight and contrast display values (see Figure 8). It would have been obvious to one of

ordinary skill in the art to implement the contrast adjusting techniques of Dutta with the

automatic brightness controlling techniques of Helms and the phone system of Kraft et al. in

order to completely fine tune, via the modification of multiple display characteristics, the

readability of text on a mobile/handheld display device particularly when environmental

conditions are changing (see last 4 lines of paragraph 3 of Dutta).

In reference to claims 26, 35 and 37, Kraft et al. and Helms disclose all of the claim

limitations as applied to claims 18 and 29 above. Although Helms discloses utilizing signals

from one or both of the photodetectors located on the front and back surface of the display lid, to

adjust the brightness level of the LCD (see columns 4-5, lines 52-2), neither Kraft et al. nor

Helms explicitly disclose the capability of adjusting the brightness behind input buttons. Dutta

discloses a PDA comprising a housing (see large rectangle of Figure 1) and a display, having a

front surface, supported by the housing (#101 of Figure 1). Dutta also discloses hardware

components located within the PDA, and thus supported by the housing, utilized to communicate

with the display (see page 2, paragraph 24 and Figure 2). Dutta discloses the hardware

components configured to adjust both backlight and contrast display values (see Figure 8). Dutta

also discloses the PDA to possibility comprise of a touchscreen and capable of adjusting

brightness using the touchscreen (see paragraph 3). Further, the touchscreen of Dutta is seen as

inherently comprising input buttons defined on the touchscreen and which are therefore also

backlight adjustable with the display screen since they are apart of the display screen. Therefore,

it would have been obvious to one of ordinary skill in the art at the time the invention was made

to implement the touchscreen type display of Dutta with the automatic brightness signal

controlling techniques of Helms and the phone system of Kraft et al. in order to provide

adjustable the readability of text on a mobile/handheld display device particularly when

environmental conditions are changing (see last 4 lines of paragraph 3 of Dutta).

Response to Arguments

3.   Applicant's arguments, see pages 5-6 of Applicant's Remarks, filed 09/06/07, with

respect to 35 USC 112 1st paragraph rejection of claims 24, 26, 33-35 and 37 have been fully

considered and are persuasive. The 35 USC 112 1st paragraph rejection of these claims has been

withdrawn.

4.   Applicant's arguments, see pages 6-9 of Applicant's Remarks, filed 09/06/07, with

respect to 35 USC 103(a) rejection in view of Kraft et al., Katada and Helms have been fully

considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon

further consideration, a new ground(s) of rejection is made in view of Kraft et al., Helms and

Dutta.

5.   Applicant's arguments filed 09/06/07 have been fully considered but they are not

persuasive.

In reference to the prior art rejected claims, Applicant attempts to classify the recited

claim limitation, "a plurality of personal information management applications" as solely typical

of "smartphones" while contending the teachings of Kraft et al. (see page 7 of Applicant's

Remarks). The Office disagrees as it states, although "smartphones" do provide various PIM

(personal information management) applications, PIM is most commonly referred to phone

applications such as address book, calendar function, lists etc. Since, Kraft et al. explicitly

discloses the phone to use control parameters to operate a timer function for enabling a calendar

function for entering of appointment data (see column 2, lines 15-21 and column 4, lines 35-57)

and since Kraft et al. discloses the CPU to handle the phone modes (see column 6, lines 7-24)

which inherently comprise of some sort of list of saved dialed phone numbers, the Office

interprets, for this reason at least, that Kraft et al.'s invention discloses computing electronics to

operate a plurality of PIM applications.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781.

The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00

AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kee Tung, can be reached at (571) 272-7794.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 (Central Fax)

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Technology Center 2600 Customer Service Office whose telephone

number is (571) 272-2600.

aac

11/19/07